

ORDINANCE NO. 93 - 2015

AN ORDINANCE APPOINTING THE CITY ATTORNEY
FOR THE CITY OF OAK GROVE, ARKANSAS,

WHEREAS, the General Assembly of the State of Arkansas, pursuant to Arkansas Code Annotated § 14-43-319(A)(1), granted unto cities of fewer than 5,000, the power to provide by ordinance that the office of the city attorney may be appointed, and

WHEREAS, the City of Oak Grove, Arkansas, according to the regular Federal Census taken in 2010, has a population of less than 5,000 persons, and there are historical periods when no licensed attorney resides within the city limits, and

WHEREAS, the City of Oak Grove, Arkansas, is a mayor-council city of the Second Class,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNSEL OF THE CITY OF Oak Grove, ARKANSAS THAT CITY CODE CHAPTER 30-90 IS HEREBY REVOKED IN IT'S ENTIRETY AND THE FOLLOWING SHALL BE ENACTED AS FOLLOWS:

Chapter _____

City Attorney

Sections:

- 2.24.01 Creation of Office / Appointment
- 2.24.02 Suits and Actions
- 2.24.03 Judgments
- 2.24.04 Legal Advise
- 2.24.05 Special assessments.
- 2.24.06 Ordinances and documents.
- 2.24.07 Qualifications
- 2.24.08 Salary / Term
- 2.24.09 Expenses

Section 2.24.01 Creation of office – appointment.

There is hereby created the office of city attorney, an executive office of the city. The attorney shall be appointed by the mayor, by and with the advice and consent of the city council.

The mayor shall consult with the Director or attorney for the state municipal league, not for the purpose of obtaining an individual recommendation but for the purpose of ascertaining what qualifications or qualities to consider in hiring a municipal attorney. A candidate's willingness to familiarize himself or herself with state laws, federal laws, constitutional provisions, city charter provisions, and city ordinance provisions shall be considered. The attorney shall be a person willing and able to study United States Supreme Court decisions affecting municipalities.

Section _____ Suits and actions.

The attorney shall prosecute or defend any and all suits or actions at law or equity to which the city may be a party, or in which it may be interested, or which may be brought against, or by, any officer of the city on behalf of the city, or in the capacity of such person as an officer of the city. The City Attorney shall act as the City Prosecuting Attorney with all rights and duties as proscribed by law for such officers unless the City contracts with the Eastern District Court of Carroll County for the provision of prosecution of city cases.

Section _____. Judgments.

It shall be the duty of the attorney to see to the full enforcement of all judgments or decrees rendered or entered in favor of the city, and of all similar interlocutory orders.

Section _____ Legal Advice.

The attorney shall be the legal advisor of the city and shall render advice on all legal questions affecting the city, whenever requested to do so by any city official. Upon request by the mayor or by the council, the attorney shall reduce any such opinion to writing.

Section _____ Special assessments.

It shall be the duty of the attorney to see to the completion of all special assessment proceedings and condemnation proceedings.

Section _____ Ordinances and documents.

It shall be the duty of the attorney to draft or supervise the phraseology of any contract, lease or other documents or instruments, to which the city may be a

party; and upon request of the council, to draft ordinances covering any subjects within the power of the city.

Section _____ Qualifications.

In selecting an attorney, the city council shall consider the training and experience of the candidate. Candidates shall not be required to reside within the City limits of the City of Oak Grove or the bounds of Carroll County, Arkansas. The city council shall consider not only past experience and training, but also willingness and ability to attend meetings, seminars and continuing legal education programs concerning problems to be faced by the city attorney and the ability to meet all obligations and duties imposed by virtue of the office.

Section _____ Salary, term.

The city attorney shall be appointed for an initial term of One (1) year. That upon the expiration of said term, the mayor with the approval of council may elect to renew the term for another two (2) years. That there shall be no restriction on the number of terms any particular city attorney may be appointed. The city attorney shall receive salary compensation in the following amount:

\$75.00 per hour for all work performed at the request of the mayor or council.

\$125.00 for attendance at city council meetings.

\$95.00 per hour for all court appearances.

or in such other amount as determined by a vote of the City Council who shall present and approve any other contractual agreement with said attorney and in addition the attorney shall have the option of participating in the medical

insurance benefits plan through the city's group insurance plan if he is retained for a two (2) year appointment or contract.

Section _____ Expenses

The City attorney shall be entitled to bill for direct expenses incurred relative to his representation of the City of Oak Grove, Arkansas, including but not limited to mileage at the current rate allowable under the provisions of the Internal Revenue Service Code but shall not bill the City for any amount in excess of \$250.00 without prior approval of the mayor.

This Ordinance being necessary for the preservation of the public peace, health, safety and welfare of the inhabitants of Oak Grove, Arkansas, this Ordinance shall be in full force and effect from and after its passage unless vetoed by the Mayor in which case it shall become effective upon the date of the veto override by the City Council.

ADOPTED THIS 5th DAY OF May, 2015.

APPROVED: 
MAYOR

ATTEST: _____
City Recorder